

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

GORDON ROY PARKER, :  
: Plaintiff : CASE NO.: 02-cv-567  
: :  
v. :  
: UNIVERSITY OF PENNSYLVANIA, a :  
Pennsylvania nonprofit corporation, :  
: Defendant. :  
:

**PENN'S RESPONSE TO PLAINTIFF'S  
MOTION FOR RECONSIDERATION OF ORDERS OF NOVEMBER 3, 2003**

Defendant University of Pennsylvania ("Penn") opposes Plaintiff's Motion for Reconsideration Of Orders Of November 3, 2003 ("Plaintiff's Motion for Reconsideration") for the reasons stated in its Opposition to Plaintiff's Motion to Compel, dated May 7, 2003; its Motion for Summary Judgment, dated June 5, 2003; its Response to Plaintiff's Motion for Summary Judgment, dated June 16, 2003; and its Supplemental Memorandum in Support of its Pending Motion for Summary Judgment, dated September 11, 2003.

Penn does not oppose the reinstatement of Plaintiff's gender discrimination claims. Plaintiff points to evidence that suggests he did make a gender discrimination claim in his EEOC charge. Given this, the reinstatement of Plaintiff's gender discrimination claim would help ensure that any appeal in this case remains focused on core rather than peripheral issues. Furthermore, reinstating Plaintiff's gender discrimination claim will not likely complicate this litigation, will not affect the outcome of the Summary Judgment motion presently before the court, or materially change Penn's defenses.

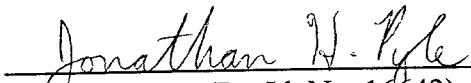
Penn therefore requests that the Court deny:

1. Plaintiff's request for reconsideration of the Court's order denying his motions to compel discovery;
2. Plaintiff's request for reconsideration of the Court's order denying his Motion For Partial Summary Judgment;
3. Plaintiff's request for "Leave To File Second Amended Complaint To Conform To The Pleadings And Include Defendant's Post-Filing Conduct" (requested in Section I.D. of Plaintiff's Motion for Reconsideration); and
4. Plaintiff's request for reconsideration of the Court's interpretation of Plaintiff's burden (requested in Section I.E. of Plaintiff's Motion for Reconsideration).

With respect to the Plaintiff's Motion For New Scheduling Order dated May 15, 2003, which was granted on November 3, 2003, the Court should set a deadline 30 days from the date of its Scheduling Order for any additional discovery. That order should provide that such discovery be limited to the remaining issue before the court: whether the Penn's stated reason for failing to hire plaintiff is pretextual.

Respectfully submitted,

Dated: December 9, 2003

  
John M. Myers (Pa. Id. No. 16642)  
Jonathan H. Pyle (Pa. Id. No. 89887)

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Attorneys for Defendant  
University of Pennsylvania

**CERTIFICATE OF SERVICE**

I, Jonathan H. Pyle, do hereby certify that on the 9th day of December, 2003, I caused a true and correct copy of Defendant's Response To Plaintiff's Motion For Reconsideration Of Orders Of November 3, 2003 to be served via U.S. First Class Mail, postage prepaid, upon the following individual at the address indicated:

Gordon Roy Parker  
4247 Locust Street, #806  
Philadelphia, PA 19104

*Pro Se Plaintiff*

Jonathan H. Pyle  
Jonathan H. Pyle

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December 9, 2003

VIA HAND DELIVERY

Honorable Anita B. Brody  
United States District Court  
for the Eastern District of Pennsylvania  
Room 7613, U.S. Courthouse  
601 Market Street  
Philadelphia, PA 19106

Re: Gordon Roy Parker v. University of Pennsylvania  
U.S.D.C., (E.D. Pa) Civil Action No. 02-567

Dear Judge Brody:

I enclose a courtesy copy of Defendant's Response To Plaintiff's Motion For Reconsideration Of Orders Of November 3, 2003, the original of which is being filed today with the Clerk.

Respectfully,

*Jonathan H. Pyle*

Jonathan H. Pyle

Enclosure

cc: Gordon Roy Parker (w/enclosure)